
CHAPTER 9 FULL-TIME EMPLOYEE BENEFITS

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9-1 Insurance

The City may make health, dental and life insurance available to all qualifying employees.

Coverage. It is the policy of Brigham City to aid in the health care of full-time employees and their immediate families by providing health, dental and life group insurance plans. Insurance coverage begins on the first day of the month following the date of employment and ends on the last day of the month of separation.

Eligibility. All full-time employees, and such other employees whose positions are designated by the Mayor with the advice and consent of the City Council, are eligible to participate in the City's health, dental, and life insurance programs should the City choose to offer them. Premium rates and City contributions may vary from those for full-time employees. Enrollment cards and a detailed schedule of benefits will be provided to eligible employees. The City's contributions to health, dental and life insurance programs shall be set by the City Council. The City shall pay a percentage of the premium as set by resolution for the group insurance plan and other related costs as determined from time to time by the City Council.

Benefits Committee. The City Council will be advised on the group insurance needs of City employees and the costs and manner of operation of group insurance plans by a Benefits Committee comprised of one member of the City Council (to be appointed by the Mayor), the City Administrator, the Finance Director, the Human Resource Coordinator, a member of the Employee Coordination Committee and one other employee elected to the Benefits Committee by a vote of the Employees Coordination Committee. The Mayor's Executive Assistant will serve as secretary and the City's Payroll Coordinator shall serve as an Ex-Officio member.

Paid-On-Call Employee Eligibility. Fire and Ambulance Division paid-on-call employees are eligible to participate in the City's health, dental, and life insurance programs.

Retired Employee Eligibility. An individual retiring from the City who qualifies for and/or is vested in an approved City retirement plan may choose to remain with the City's group insurance until the individual is eligible for Medicare coverage by personally paying the applicable premium(s).

The spouse of such an employee may also stay with the City's group insurance until the spouse is eligible for Medicare coverage by personally paying the applicable premium. In the event the employee dies, the surviving spouse will then be eligible only for such further group insurance as COBRA may provide.

Elected Official Eligibility. Elected officials who leave office while participating in the current group insurance program of the City may choose to remain with the City's group insurance until the individual is eligible for Medicare coverage by personally paying the applicable premium.

9-2 Annual Leave

The City provides annual leave for each full time employee, which may be taken after the employee has completed the probationary period. Annual leave is accrued by the month. If employed after the fifteenth day of the month, annual leave accrual begins on the first of the following month.

Annual leave shall be used during the calendar year of entitlement, the year of entitlement beginning January 1st of each year to December 31st.

A total of 240 hours may be carried over into the next year. All unused annual leave in excess of 240 hours will be forfeited on December 31st of each year.

The City provides annual leave for each full time employee based on the following schedule:

1 to 5 years:	10 days per year or 6.68 hours per month
6 to 10 years:	12 days per year or 8 hours per month
11 to 15 years:	15 days per year or 10 hours per month
16 years & over:	20 days per year or 13.34 hours per month

Pre-approval of annual leave is required and must be requested in writing directed to the employee's supervisor/department head, if possible, 14 days prior to the requested annual leave. Department heads/supervisors will approve annual leave upon consideration of the needs of the City, the seasonal workload experience of each organization, and the employee's wishes. Conflicts in employee scheduling will be resolved by the supervisor with consideration given for seniority.

Official annual leave records will be maintained and kept current by posting at least once per month by the Payroll Coordinator.

Annual leave usage will be reported by the employee using time cards.

Upon separation of employment employees are eligible for 100% reimbursement of any remaining annual leave.

9-3 Personal Leave

Personal leave benefit plan year begins in each calendar year on the first day of the first pay period for the year. The first year will begin December 23, 2000 (sick leave accrued under the previous sick leave policy may be used through December 31, 2000). Under this Plan paid personal leave shall be provided for employees as insurance against loss of income when an employee needs to be absent from work because of illness or injury, to care for a dependent, or for any other emergency or personal reason. Where the leave is not related to the employee's own illness or disability – or an event that qualifies under the FMLA – a personal leave request is subject to supervisory approval based on the operational requirements of the City.

Benefit. Each Full-Time employee under this plan shall be awarded 6.68 personal leave hours per month (80 hours per year).

Conversion Formula. Personal leave hours shall be converted at fifty percent (50%) of each full personal leave hour and shall be paid at the employee's hourly base wage rate in effect on the date of conversion, up to a maximum of 40 converted personal leave hours (80 personal leave hours X 50% = 40 converted personal leave hours).

Schedule. No later than November 30th in each calendar year, employees may elect by notifying the Payroll Coordinator in writing to:

Lump sum. An employee can convert as specified in Conversion Formula any unused personal leave hours available at the end of the calendar year to a lump sum payment, or

Carryover. An employee may carryover to the next calendar year up to 80 unused personal leave hours, or

Retirement. An employee may convert as specified in Conversion Formula any unused personal leave hours to a payment to be paid into the employee's respective 401K/457 retirement account, or

Combination. An employee may elect one or a combination of any of the above mentioned options.

Default. Failure to notify the Payroll Coordinator will result in employee being paid under lump sum option.

Record Management. Official records will be maintained by the Finance Director or his designee and will be kept by posting at least once per month. A departmental report of personal leave hours used and personal leave hours available will be submitted to the supervisor each

month and personal leave accrual will also appear on the employee's paycheck.

Maximum Accrual. A maximum of 80 hours of personal leave may be carried over to the next plan year. Any personal leave hours unused at the end of the plan year in excess of 80 shall be converted as described in the schedule above.

Termination Benefits. At termination of employment for any reason, accumulated unused personal leave hours shall be paid to the employee at 50 percent of the hourly base wage rate on date of termination for each unused hour.

Conditions on Use of Personal Leave. The following are the conditions on use of personal leave.

- i. Minimum use of personal leave is one (1) hour, with supervisory approval.
- ii. Except in unforeseen circumstances, such as emergencies or the employee's inability to work due to their illness or accident, or an unforeseen FMLA-qualifying event, the employees must provide their supervisor with reasonable prior notice to allow time for the supervisors to make arrangements necessary to cover the employee's work.
- iii. For leave due to unforeseen circumstances, employees must give their supervisors as much prior notice as possible, preferably within fifteen minutes after the normal start time of each date of absence unless directed by the supervisor.

9-4 Voluntary Donation of Annual and Personal Leave

Full-time employees may donate annual and personal leave hours for use by another employee upon approval by the department head and the City Administrator. Such donation of annual and/or personal leave is intended for infrequent use by another employee who has been approved for FMLA leave who has exhausted all forms of paid leave.

The employee's request for donation must be submitted in writing along with the anticipated hours needed and certification by a physician. The donating employee must maintain a minimum of 40 hours annual and 40 hours personal leave for himself/herself. The names of the requesting and donating employee will be kept confidential.

The donating employee must complete a voluntary annual and/or personal leave donation request form and submit it to the department head. Each hour donated will be converted hour for hour and then converted to the recipient's wage. For example, if the donating employee donates 2 hours, the recipient will receive 2 hours of leave multiplied by the recipient's current wage rate. At the completion of the medical leave, any unused donated hours will be returned to the contributing employee on a pro-rated basis.

9-5 Paid Holidays

Any days designated as paid holidays by the City Council shall be considered legal holidays for employees. Twelve (12) holidays will be designated by the City Council at the beginning of each Calendar Year. Only full-time regular employees shall receive pay for designated holidays.

Holidays falling on a Saturday shall be observed the preceding workday and holidays falling on a Sunday shall be observed the following workday. Any full-time employee who works on a holiday shall be given compensation as specified in Chapter 12-10 Compensatory Time, except Police and Power Plant personnel will be governed by department policy.

An additional 4 hours of holiday will be granted to employees when Christmas Eve is on weekday (Monday-Friday), All City offices will close at 12:00 p.m.

9-6 Bereavement Leave

Bereavement leave is time off with pay granted to full-time employees who suffer the loss of a wife, husband, child, mother, father, brother, sister, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, grandfather, grandmother, grandchild, grandparents-in-law, step grandchild, stepchild, stepmother, stepfather, stepbrother, stepsister, and uncle, aunt, niece, nephew, or first cousin. In event of death in any of these instances, the employee will be paid his/her regular base pay for scheduled work time from the date of death through the day of the funeral or memorial services, not to exceed five working days. Employees will be permitted one additional day of funeral or memorial service leave on the day following the service if such service is held more than 150 miles distance from Brigham City and if the day following the service is a regular work shift. Satisfactory proof of such death, together with the date thereof, the date and location of the service, and the date of burial, must, on request, be furnished by the employee to their supervisor.

In the event of death of friends or relatives not listed above, an employee may be allowed to use annual leave or personal leave for time off to attend the funeral or memorial service for such person.

9-7 Jury and Witness Leave

Employees will be granted leave for jury or witness duty. If the jury or witness service is completed during regular work hours, an employee is expected to return to work upon completion of the service. The employee shall receive their regular pay when performing jury and witness duty if money received for jury or witness service is turned in to the City. Verification of jury and witness duty will be required.

9-8 Military Leave

The City does not discriminate against any person who is a member of, applies to be a member of, performs, has performed, applies to perform or has an obligation to perform service in a uniformed service, as defined by federal statute. The City will not deny initial employment, re-employment,

retention in employment, promotion, or any benefit of employment by the City on the basis of that membership, performance of service, application for service, or obligation. It is the City's policy to comply with all applicable statutes, including Employment And Re-employment Rights Of Members Of The Unified Services Act, 38 U.S.C. § 4301 *et seq.*, and Utah Code Ann. §§ 71-10-1 *et seq.*

For attendance of monthly reserve meetings, personnel should schedule their work and/or meetings so that they fall on their days off. If this is not possible, personnel should trade with others to cover shifts. If a trade cannot be arranged, the department will arrange leave for the individual and they will be charged with either annual or personal leave at the employee's option. No pay as provided below shall be made for monthly reserve meetings.

For training periods for which leave is granted, and for which military order are issued to the employee to serve, the City will pay the difference between the employee's base military pay and their normal City pay up to and including 15 days. Since military pay may not be paid until after training is completed, should an employee desire, they may receive their normal City pay and then reimburse the City when they receive their reserve pay. A form for the purpose of calculating the proper reimbursement shall be provided by the Human Resource Coordinator and completed by the employee. The employee shall then return the completed form within 15 days of receipt of military pay to the Payroll Coordinator. The Payroll Coordinator will then deduct the respective military pay amount from the employee's next pay check. This reduces the employee's total taxable income by the respective amount of military pay. Should a full-time employee be ordered to serve over 15 working days, no compensation will be made to the employee for any days in excess of 15 working days during any calendar year.

It shall be the policy of the City that any employee on military leave shall receive no compensation in excess of his or her normal City pay unless it comes entirely from the military.

In order to facilitate relationships between the City and the reserve units, the employee must give as much notice as possible to the City of the need for military leave in order to avoid scheduling and conflicts in the departments. Requests for leave should be made at least twenty (20) days prior to the beginning of leave.

9-9 Leave of Absence (Family and Medical Leave Act - FMLA)

The City provides family and medical leave of absence, without pay, to eligible employees for their own serious health conditions; or who wish to take time off from work duties to fulfill family obligations relating directly to childbirth, adoption, or placement for a foster child; or to care for a child, spouse or their own parent with a serious health condition. A serious health condition means an illness, injury, impairment, or physical or mental condition that involves either an overnight stay in a medical facility, or continuing treatment by a health care provider for a condition that either prevents the employee from performing the functions of the employee's job, or prevents the qualified family member from participating in school or other daily activities.

Eligible employees are those who have worked for the City for at least one year and worked 1,250 hours within the previous 12 month period. Eligible employees should make requests for FMLA

leave to their supervisors at least 30 days in advance of foreseeable events. When 30 days notice is not possible, the employee must provide notice as soon as practicable and must comply with the City's normal call-in procedures.

Employees requesting FMLA leave related to their own serious health condition or the serious health condition of a spouse, child, or their own parent must submit sufficient information for the City to determine if the leave may qualify for FMLA protection and the anticipated timing and duration of leave. Employees must also inform the City if the requested leave is for a reason for which FMLA leave was taken or previously certified. Employees also may be required to provide a certification and periodic recertification supporting the need for leave.

Eligible employees may request up to a maximum of twelve weeks of family leave within a 12 month period. Any combination of FMLA leave and medical leave may not exceed this maximum limit. The City uses the rolling period to calculate this 12 week period. The rolling period method starts counting the FMLA period on the date the employee first uses FMLA leave. Eligible employees will be required to first use any accrued paid leave time before taking unpaid family leave. This accrued paid leave time will be included as part of the maximum twelve weeks leave. Married employee couples may be restricted to a combined total of twelve weeks leave within any 12 month period for childbirth, adoption, or placement of a foster child; or to care for a parent with a serious health condition.

To the extent the law requires, eligible employees with a spouse, son, daughter or parent on active duty or call to active duty status in the National Guard or Reserves in support of a contingency operation may use their 12-week leave entitlement to address certain qualifying exigencies. Qualifying exigencies may include attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, and attending post-deployment reintegration briefings.

FMLA also includes a special leave entitlement that permits eligible employees to take up to 26 weeks of leave to care for a covered service member during a single 12-month period. A covered service member is a current member of the Armed Forces, including a member of the National Guard or Reserves, who has a serious injury or illness incurred in the line of duty on active duty that may render the service member medically unfit to perform his or her duties for which the service member is undergoing medical treatment, recuperation, or therapy; or is in outpatient status; or is on the temporary disability retired list.

During the single 12-month period for service member care leave, an eligible employee is entitled to a combined total of 26 workweeks of service member care leave and leave for any other FMLA-qualifying reason, provided that the eligible employee may not take more than 12 workweeks for any other FMLA-qualifying reason during this period. For example, in the single 12-month period an employee could take 12 weeks of FMLA leave to care for a newborn child and 14 weeks of service member care leave, but could not take 16 weeks of leave to care for a newborn child and 10 weeks of service member care leave.

Subject to the terms, conditions and limitations of the applicable plan, health insurance benefits will be provided by the City for the length of time on leave. The employee must continue to pay

any portion of the premium that the employee would typically pay if not on leave.

Benefit accruals, such as, annual leave, personal leave, or holiday benefits, will be suspended during the leave and will resume upon return to active employment.

So that an employee's return to work can be properly scheduled, an employee on FMLA leave must provide the City with at least two weeks' advance notice of the date the employee intends to return to work. When FMLA leave ends, the employee will be reinstated to the same position, if it is available, or to an equivalent position for which the employee is qualified.

If an employee fails to report to work promptly at the end of the approved leave period, the City will assume that the employee has resigned.

Leave of Absence without Pay (Non-FMLA)

Leave of Absence without pay, not eligible under the Family Medical Leave Act, must be considered to be in the best interests of the City in order to justify the granting of such leave; job restoration is not guaranteed for non-FMLA leaves. All accrued leave time must be used before leave of absence without pay begins. Leave of absence without pay must be approved by the Mayor or City Administrator.

9-10 Life Insurance

A life insurance policy shall be provided for each full time regular employee, paid-on-call employee, elected official and their dependents as part of the group insurance program.

9-11 Short Term Disability Insurance

Protection against loss of income when an employee is absent from work due to a short term disability may be provided to full-time regular employees covered under Plan through short term disability insurance (SDI). There shall be no cost to the employee for SDI. SDI shall be administered in accordance with the terms determined by the City. As one of the conditions of receiving SDI, the employee may be required to submit to a medical examination.

Qualification. An employee qualifies for SDI when employee meets the Occupation Test as described below:

Occupation Test. An injury, or sickness, or pregnancy requires that an employee be under the regular care and attendance of a doctor, and prevents a participant from performing at least one of the material duties of the employee's regular occupation.

Application. The employee or able designee shall complete the required SDI and Family Medical Leave Act forms to determine eligibility. The qualifying period shall begin on the onset day of injury, or sickness, or pregnancy and shall be for a period not less than three (3) days. Employees qualifying for SDI benefit shall use personal leave during the qualifying period. Once determined eligible for SDI benefits, payment of SDI benefit will

begin on the day following qualifying period (day four). The three (3) day qualifying period may be waived upon approval by the Mayor for employees being treated by a physician during pandemic outbreaks. Time off taken on SDI shall be counted as time off taken for FMLA.

Payment. Upon qualifying for SDI benefits, employees will be paid the following:

80% of base pay for employees with 0-4 years of service,
85% of base pay for employees with 5-9 years of service,
90% of base pay for employees with 10 - above years of service.

At the discretion of the employee, personal leave, annual leave, BSL, and/or compensatory time can be used to supplement SDI benefits.

Period. Short Term Disability shall be for a period of 90 days.

9-12 Long Term Disability Insurance

Protection against loss of income when an employee is absent from work due to long term disability shall be provided to full-time regular employees covered by a separate private long term disability insurance (LDI). There shall be no cost to the employee for LDI. LDI shall be administered in accordance with the terms determined by the provider. As one of the conditions of receiving LDI, the employee may be required to submit to a medical examination.

Qualification. Qualifications for LDI shall be determined by the LDI provider. Provider will insure that requirements necessary to qualify for Long Term Disability Insurance (LTI) are satisfied while employee is on SDI. While on SDI, the employee or able designee shall complete the required LDI forms to determine eligibility.

Payment. Upon qualifying for LDI benefits, employees will be paid benefits as described in provider's schedule of benefits.

Banked Sick Leave. Upon qualifying for LTD, an employee may use their remaining BSL, personal leave and annual leave hour for hour for up to 6 months or until such leave is exhausted, whichever comes first. At such time employee will be required to provide a medical certification explaining their prognosis for their return to work. A decision for continued employment will be made based on this certification.

9-13 Unemployment Compensation Benefits

Employees whose employment is terminated may be eligible to receive unemployment compensation benefits, contingent upon the reason for the termination of the employment, the existence of a continued attachment to the labor market by the employee, and other factors. The determination of eligibility for unemployment compensation benefits, the amount of the benefits, and the duration of payments, if any, is made by the Utah Department of Workforce Services, according to statutes, regulations and case law decision. Questions regarding unemployment

compensation benefits should be directed to the Utah Department of Workforce Services.

9-14 Banked Sick Leave

Full-time employees covered under the Plan on December 23, 2000 shall have a banked sick leave account (herein referred to as a “BSL account”) equal to accumulated unused sick leave hours available on January 1, 2001, adjusted by any hours withdrawn, as described below, from the BSL account since it was established.

Payment of the BSL Account

Cash Payment. All of the hours in the BSL account shall be payable at retirement (based on the requirements of the Utah State Retirement for Public Employees and Public Safety Employees and/or ICMA RC) or layoff as follows: The employee shall be paid the employee’s hourly rate of pay on date of retirement or reduction in force layoff or each hour in the employee’s BSL account at 25%.

Insurance Premium Credit. In the case of *retirement only*, in lieu of the above, full-time regular employees may elect to convert the BSL account payment as provided herein to medical insurance coverage. Such payment shall be subject to any state and federal income and social security tax withholding required by law. An employee’s available BSL account balance at 35% (50% for employees with 30 or more years of service with Brigham City), computed by the hours therein times the salary rate at the effective date of employment separation, determines the dollar amount that may be used to purchase insurance coverage net of state and federal income tax. The purchase is made on a monthly basis, which shall be computed on a monthly basis of charges against the account balance. If insurance premiums increase, the number of months of coverage will decrease.

Emergency Use. Hours may be withdrawn from the BSL account for emergencies after personal leave hours are exhausted, and with approval of the employee’s supervisor. BSL account hours may also be used as a supplement to Workers’ Compensation and Short Term Disability Insurance benefits which, when added to the employee’s Workers’ Compensation and Short Term Disability Insurance benefits, equals the employee’s regular net salary. In all emergency use situations, employee must make an election in writing to the Finance Director to use BSL account hours.

An employee who has exhausted their FMLA benefits and qualifies for LTD and is terminated because they can no longer perform their essential job functions with or without reasonable accommodations will be paid 100% of their remaining BSL account at their final wage payment.

9-15 Education Assistance

The City encourages its employees to continually update and increase their level of education. To further this, the City will give financial assistance as funding is available and approved by the City Council to full-time employees enrolled in City-approved educational programs of direct benefit in aiding the employee to improve performance and skills in his/her position with the City. To this

end, 50% of tuition and book fees will be paid for successful completion of classes or courses of direct benefit.

Application Process. Any full-time employee enrolling in a course under this policy must have advance written approval of the department head/supervisor and City Administrator prior to taking the course. Forms can be obtained from the Mayor's Office. The records shall be kept in the Mayor's Office. Courses must not interfere with the employee's normal work hours.

Upon completion of the class/course, the employee must submit to the Mayor's Office the evidence of the grade received, and a verified statement of tuition and related costs for reimbursement with supporting receipts and evidence of payment. Successful completion of the course is a grade of C or above for Undergraduate Classes, B or above for Graduate Classes or if the class does not have a grade schedule, then a statement from the teacher that the student's course work was completed successfully. The only classes/courses which will be approved are those which are job related or determined by the department head/supervisor to improve skills on the job.

Reimbursement. Brigham City Corporation will reimburse qualified employees up to but not more than \$1,200.00 per calendar year for tuition and related expenses such as books, lab fees, etc.

Repayment Upon Termination. Employees who apply for educational assistance will agree (by signing the application) that if they voluntarily or involuntarily (other than Reduction in Force) leave the employ of the City before working 24 months after participating in this program, they will repay the City on a prorated basis the tuition and fees which were reimbursed to them during the previous 24 months. This will be deducted from his/her final paycheck.

Employees who voluntarily terminate employment with Brigham City Corporation, or who are involuntarily terminated for cause prior to completion of a class/course, will not be reimbursed for any expenses and must repay the City any education assistance received within the previous 24 months.

Employees who are not able to remain actively employed for reasons beyond their control (such as disability, reduction in force, or a spouse who accepts a position out of state) will not be required to make repayment.

Education Assistance for employees is available as long as funds budgeted to this program are available. Employees must apply each calendar year for classes taken in that year.

9-16 Employee Fitness, Wellness and Emergency Equipment Purchases Program

In an effort to encourage a fit and well employee, employees may use their annual and/or personal leave to purchase golf and swimming passes, fitness memberships (from fitness businesses located in Brigham City) and emergency preparedness equipment provided that **a minimum balance of 40 hours of leave remains available in each benefit at the time the purchase is requested.**

Annual and personal leave will be calculated at 100% of the employee's current hourly rate for the current calendar year. Emergency preparedness equipment must be identified on FEMA's Personal Preparedness List (List can be found online at www.fema.gov) or be approved by the Emergency

Services Director to qualify for reimbursement. Purchases of emergency preparedness equipment shall only be reimbursable upon proof of purchase.

Example:

60 hours of available leave – 40 hours required balance = 20 hours x \$20.00 hourly rate = \$400.00 available for purchase.

Employees with banked sick leave may use up to 25% of their BSL hours to purchase all items in Section 9-16. Purchases may not exceed a total value of \$1,500 in any one calendar year. BSL hours used will be calculated at .25 cents on the dollar at 100% of the employee's current hourly rate for the current calendar year.

Example:

1,500 hours BSL x \$25.00 hourly rate = \$37,500 x .25% = \$9,375 available for purchases (capped at \$1,500).

Definitions:

Annual Leave: Paid vacation leave that accrues monthly and is tracked from January 1st to December 31st each year. The maximum yearly amount of annual leave available is 160 hours based on 16 or more years of service.

Personal Leave: Paid leave from work for illness or personal reasons that accrues monthly and is tracked from January 1st to December 31st of each year. The maximum yearly amount of personal leave available is 80 hours.

9-17 Employee Assistance Program

The City provides at no cost to the employee a professional Employee Assistance Program (EAP) to all city employees and their family members. Supervisors are encouraged to use this assistance in working with employees under their responsibility.